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7 Attorneys for Robert Lee Walker

8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 * * *

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 vs.
14 ROBERT WALKER,
15 Defendant.
16

Case No. 2:15-cr-061-JCM-GWF

EMERGENCY MOTION FOR
TEMPORARY RELEASE FROM
CUSTODY
(Expedited Treatment Requested)

17 CERTIFICATION: This memorandum is timely filed.

18 COMES NOW the defendant, Robert Walker, by and through his counsel, Heidi A.
19 Ojeda, Assistant Federal Public Defender, and hereby submits his Emergency Motion for Temporary
20 Release from Custody. Mr. Walker respectfully requests that the Court order him released from
21 custody for twenty-four (24) hours into the care and custody of Ms. Heart, Mr. Walker's niece, who
22 is willing to serve as a third-party custodians for Mr. Walker. Mr. Walker seeks this temporary
23 release from custody so that he can attend the funeral of his mother who unexpectedly passed away
24 on April 1, 2015.

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1 DATED this 6th day of April, 2015.

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3 RENE L. VALLADARES
Federal Public Defender

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5 By: /s/ Heidi A. Ojeda
HEIDI A. OJEDA
6 Assistant Federal Public Defender
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POINTS AND AUTHORITIES

On March 3, 2015, Mr. Walker was charged with one count of Felon in Possession of a Firearm, in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2) for possessing a firearm on December 1, 2014. (CR # 18.) On February 25, 2015, the Magistrate Judge Leen ordered Mr. Walker detained. (CR #16.)

On April 1, 2015, Mr. Walker's mother, Rephenalda Levi, unexpectedly passed away. Ms. Levi had been suffering from stage 4 cirrhosis and other health complications. She underwent a biopsy examination and shortly after, she developed complications. After several attempts to resuscitate her, she eventually passed away. Undersigned counsel has been in contact with Mr. Walker's niece, Iona Heart, in getting the details about Ms. Levi's passing and the funeral arrangements. Due to her recent passing, the family does not have a death certificate or other proof of death for the Court's review.

Mr. Walker requests an order releasing him from custody for twenty-four (24) hours so that he can attend the funeral of his mother. Mr. Walker's niece, Iona Heart, is willing to serve as a third-party custodian for Mr. Walker and will ensure he returns back to the custody of the United States Marshals Service. Ms. Heart is 34 year old individual with no criminal history. She lives in Las Vegas, Nevada and is aware of Mr. Walker's current situation. She has informed undersigned counsel that she is willing and able to act as a third party custodian for Mr. Walker. The family has been working with their tribal counsel to make arrangements for the funeral. The tribe has allowed her the use of their vehicles to provide transportation for Mr. Walker from Las Vegas to Moapa. Should the Court set a hearing on this matter, Ms. Heart can be available in person or telephonically depending on the time of the hearing as Ms. Heart is traveling back and forth from Las Vegas to Moapa in making the arrangements for the funeral.

The funeral is set to take place Wednesday, April 8, 2015 at 3 p.m. at the Moapa Tribal Hall. (See Exhibit A, Funeral Services Brochure.) The family has arranged for dinner following the services and in accordance with tribal tradition, the family sings over the body of the deceased throughout the night and then buries the remains early the next morning. Mr. Walker therefore

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1 requests that this Court allow his temporary release from custody on Wednesday, April 8, 2015 at
2 noon until Thursday, April 9, 2015 at noon.

3 The Government has indicated to undersigned counsel that it will oppose Mr. Walker's
4 request.

5 **CONCLUSION**

6 For the reasons stated above, Mr. Walker respectfully requests that this Court temporarily
7 release Mr. Walker from custody for twenty-four (24) hours.

8 DATED this 6th day of April, 2015.

9 Respectfully submitted,

10 RENE L. VALLADARES
11 Federal Public Defender

12 By: /s/ Heidi A. Ojeda
13 HEIDI A. OJEDA
14 Assistant Federal Public Defender
Counsel for Defendant

15 **ORDER**

16 With profound condolences for Mr. Walker's loss,

17 IT IS ORDERED that the Emergency Motion for Temporary Release from
18 Custody (Dkt. #25) is **DENIED**.

19 DATED this 7th day of April, 2015.


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22 Peggy A. Leen
23 United States Magistrate Judge
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EXHIBIT A

EXHIBIT A

In Loving Memory



Rephenelda Leoni

05/29/47-04/01/15

Funeral Services:

Wednesday, April 8, 2015 at 3:00pm

At the Moapa Tribal Hall

*Viewing 3:00pm-5:00pm @ Moapa Tribal Hall,
Moapa Indian Reservation*

Dinner 5:00pm @ The Moapa Tribal Hall

Traditional Sing will immediately follow